

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/812,059	03/30/2004	Johannes Mauser	02418.0884	1293	
22852	22852 7590 09/09/2005		EXAMINER		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CHIU, RALEIGH W		
			ART UNIT	PAPER NUMBER	
			3711		

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s)					(
Examiner Ratesigh Chiu - The MALLING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALLING DATE OF THIS COMMUNICATION. - In the state of the provision of the provisions of 37 CPR 1.136(b), in no event, however, may a regly be strinly filled - If No period for regly is specified above, the maximum statutory period will apply and will apply (MONTHS from the mailing date of this communication. - Fallies to regly which the set or esternicel period for regly will, by issaint, cause the application to become ABANDONED (36 U.S.C § 13). - Fallies to regly which the set or esternicel period for regly will, by issaint, cause the application to exceed 8 month (field on the same adjustment. See 37 CPR 1.70(e)). - Fallies to regly which the set or esternicel period for regly will, by issaint, cause the application, even 4 shrink) field, may reduce any seamed patent term adjustment. - Fallies to regly which the sour certainty and the register of the communication to the same application of the communication. - Fallies to register the mailing date of the communication, even 4 shrink) field, may reduce any seamed patent term adjustment. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date of the communication. - Fallies to register the mailing date			Application No.	Applicant(s)					
Raleigh Chiu State Raleigh Chiu Ralei			10/812,059	MAUSER ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the interrupts have intered to provide or provided of 25 FR1 1-38(1), no event, however, may a reply be timely filed in the provided or provided provided provided for graph is appelled above, the maximum statutory pends will expire SIX (8) MONTHS from the mailing date of this communication. Fallute to provide with the second and AND-MONE) (50 tu.S. €, 113). Fallute to provide them adjustment. See 37 GFR 1.746(1). Status Status 1) □ Responsive to communication(s) filed on □ 2a □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.23 is/are pending in the application. 4a) Of the above claim(s) □ is/are withdrawn from consideration. 5 □ Claim(s) 1.23 is/are pending in the application. 4a) Claim(s) 1.3-15 is/are objected to by the Examiner. Claim(s) 1.3-15 is/are objected to by the Examiner. 10) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 23 May 2005 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1.□ Certified copies of the priorit		Office Action Summary	Examiner	Art Unit					
Period for Reply A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **after SIX (6) MONTHS from the mailing date of this communication, 1-38(6). In or event, however, may a may be timely filled and the state of this communication of the property of the property with the set of extended period for reply will, by adult on early gap and will expire (x) (6) MONTHS from the mailing date of this communication, 1-10 property of the property will by adults, cause the application to become ABANDONED (35 U.S. C, § 135). **IN Operand or reply is specified above, the maximum statutory pand will expire (x) (6) MONTHS from the mailing date of this communication, even if limely filed, may reduce any search patient term adjustment. See 37 CFR 1.704(b). **Status** 1) □ Responsive to communication(s) filled on □		· .	_						
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1:36(a). In no event, however, may a reply be timely filed with the TSK (9) MONTHS from the mailing date of this communication with the TSK (9) MONTHS from the mailing date of this communication, which is the time of ti	Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address					
1) Responsive to communication(s) filed on	WHIC - Exter after - If NO - Failu Any r	CHEVER IS LONGER, FROM THE MAILING DAnsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. 8 133)					
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) 1-12 and 16-23 is/are rejected. 7 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 23 May 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) And b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s) Mail Date	Status								
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) 1-12 and 16-23 is/are rejected. 7 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 23 May 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) And b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s) Mail Date	1)	Responsive to communication(s) filed on							
Closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)									
A) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) 1-12 and 16-23 is/are rejected. 7) □ Claim(s) 3-15 is/are objected to. 8) □ Claim(s) 3-15 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 23 May 2005 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) □ Some * c) □ None of: 1. ☑ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☑ Notice of References Cited (PTO-892) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152)	3)	Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merits is					
4) ☐ Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are allowed. 7) ☐ Claim(s) 1-12 and 16-23 is/are rejected. 7) ☐ Claim(s) 13-15 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 23 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☒ Notice of References Cited (PTO-892) 3) ☒ Intornation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.					
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) 1-12 and 16-23 is/are rejected. 7) □ Claim(s) 13-15 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 23 May 2005 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) □ Some * c) □ None of: 1. ☑ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	Dispositi	on of Claims		·					
5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 23	4)⊠	Claim(s) 1-23 is/are pending in the application.	•						
6) ☐ Claim(s) 1-12 and 16-23 is/are rejected. 7) ☐ Claim(s) 13-15 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 23 May 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 2) ☐ Notice of Informal Patent Application (PTO-152)		·							
7) Claim(s) 13-15 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 23 May 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b	5)								
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 23 May 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.55(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 20 Notice of References Cited (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	6)⊠	☑ Claim(s) <u>1-12 and 16-23</u> is/are rejected.							
Application Papers 9)☐ The specification is objected to by the Examiner. 10)☒ The drawing(s) filled on 23 May 2005 is/are: a)☒ accepted or b)☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☒ All b)☐ Some * c)☐ None of: 1.☒ Certified copies of the priority documents have been received. 2.☐ Certified copies of the priority documents have been received in Application No 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1)☒ Notice of References Cited (PTO-892) 20☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5)☐ Notice of Informal Patent Application (PTO-152)		•							
9) ☐ The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on 23 May 2005 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some * c) ☐ None of: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	8)[_	Claim(s) are subject to restriction and/or	election requirement.						
10) ☐ The drawing(s) filed on 23 May 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	Applicati	on Papers							
10) ☐ The drawing(s) filed on 23 May 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	9)[]	The specification is objected to by the Examiner	ſ.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)		•		by the Examiner.					
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 20 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 30 ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 50 ☐ Notice of Informal Patent Application (PTO-152)									
Priority under 35 U.S.C. § 119 12)		Replacement drawing sheet(s) including the correcti	on is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).					
12) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) △ All b) ☐ Some * c) ☐ None of: 1. △ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) △ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) △ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	11) 🗌	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.					
a)	Priority u	nder 35 U.S.C. § 119							
2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)			priority under 35 U.S.C. § 119(a)	-(d) or (f).					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1 Notice of Informal Patent Application (PTO-152)		1. Certified copies of the priority documents	s have been received.						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)									
* See the attached detailed Office action for a list of the certified copies not received. *Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) *Attachment(s) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)				ed in this National Stage					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)									
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)	·* S	ee the attached detailed Office action for a list of	of the certified copies not receive	d.					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)									
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)	Attachment	r(s)							
3) 🔯 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) 🛄 Notice of Informal Patent Application (PTO-152)	1) 🔀 Notice	e of References Cited (PTO-892)							
	2) 🔛 Notice 3) 🔯 Inform	e of Draftsperson's Patent Drawing Review (PTO-948)							
	Paper	No(s)/Mail Date <u>03/30/2004</u> .		atont Application (FTO-132)					

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35
 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Application/Control Number: 10/812,059

Page 3

Art Unit: 3711

Regarding claim 8, the phrase "formed of a material comprising includes" does not make sense.

Regarding claim 18(b), it is not clear what is meant by a web-shaped material. It is not clear if the dampening material is woven or if some other characteristic is intended. As such, no art has been applied to the method claims. Clarification is requested.

Claims 19-23 are rejected because they depend from a rejected claim 18.

Claim Rejections - 35 USC §§ 102 and 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3711

- 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

 Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 7. Claims 1-8, 10 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,314,180 (Yamagishi et al., hereinafter (Yamagishi).

Regarding claims 1, 3-7, 10 and 17, Figures 1, 3, 4 and 7 of Yamagishi show a hollow frame with a dampening layer 5 wrapped between a plurality of layers 6.

Regarding claim 2, Figure 1 shows a pair of dampening layers 5 arranged in longitudinal symmetry.

Regarding claim 8, Yamagishi teaches the use of synthetic rubbers. See column 7, lines 53-55.

8. Claims 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over as applied above.

Art Unit: 3711

Regarding claim 9, discovering an optimum value of a result effective variable has been held to be within the capabilities of the person of ordinary skill in the art. It would have been obvious to a person having ordinary skill in this art, by routine experimentation, to provide the Yamagishi racquet with the recited damping layer thickness to obtain optimum vibration damping.

Regarding claims 11 and 12, It would have been an obvious matter of design choice to modify the Yamagishi reference by having the damping layer with the recited length and width, since applicant has not disclosed that having such dimensions solves any stated problem or is for any particular purpose and it appears that the damping layer would perform equally well with any dimensions as long as it was able to be wrapped around the frame windings.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi as applied above in view of U.S. Patent Application Publication Number 2003/0073523 (Hsu).

Hsu teaches that it is old and well-known in the art to make the shock absorbing layers found in a tennis racquet with a Shore hardness of greater than thirty. See paragraph [0025].

Allowable Subject Matter

10. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (571) 272-4415.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raleigh W. Chiu Primary Examiner

Technology Center 3700

RWC:dei:feif 1 September 2005